

REMARKS

Applicants respectfully request that the application be reconsidered in view of the above amendments and the following remarks. In the Office Action, dated June 10, 2004, the Examiner objected to the abstract. The Examiner further rejected claims 1-9 under 35 U.S.C. §102(e) as allegedly being anticipated by U. S. Patent No. 6,709,982 (hereinafter "BUYNOSKI"). Applicants note with appreciation the Examiner's indication of allowable subject matter in claims 10-14.

By way of this amendment, Applicants have canceled, without prejudice or disclaimer, non-elected claims 15-19. Applicants reserve the right to file a divisional directed to the subject matter of claims 15-19. Claims 6 and 10 have further been canceled without prejudice or disclaimer. Applicants have amended claim 1 to incorporate the subject matter of canceled claim 10. Claims 7 and 11-13 have been amended to depend from claim 1. New claims 20-24 have additionally been added. No new matter has been added by way of this amendment. Reconsideration of the outstanding rejections of pending claims 1-5 and 7-9 is respectfully requested in view of the amendments above and the following remarks.

In paragraph 4 (pg. 2), the Office Action objects to the abstract as being directed to a semiconductor device, instead of to the currently elected method of forming a fin. Applicants have revised the abstract to direct it to methods of forming a fin. In view of the attached replacement abstract, Applicants request withdrawal of the objection to the abstract.

The Office Action (pg. 3) rejects pending claims 1-5 and 7-9 under 35 U.S.C. §102(e) as allegedly being anticipated by BUYNOSKI. Applicants have amended claim 1 to incorporate the subject matter of claim 10, which the Office Action has indicated (pg. 7) as being allowable.

Applicants, therefore, respectfully request the withdrawal of the rejection of claims 1 and 2-5 and 7-9 (which depend from claim 1).

New claims 20-22 recite similar features to claim 1. Applicants submit that claims 20-22 patentably distinguish over BUYNOSKI for reasons similar to those set forth by the Examiner in the "Reasons for Indication of Allowable Subject Matter" on page 7 of the Office Action.

New claim 23 recites a "method of forming a fin for a fin field effect transistor (FinFET) that includes "defining a trench in a layer of first material, wherein a width of an opening of the trench is substantially smaller than a thickness of the layer," "growing a second material in the trench to form the fin," and "removing the layer of first material." In contrast to claim 23, BUYNOSKI discloses forming an opening 300, having a width ranging from about 1000Å to about 2500Å (column 3, lines 15), in an oxide layer 230 having a thickness ranging from about 500Å to about 1000Å (column 2, lines 45-52). The width of the opening, thus, may range from approximately the same as the thickness of oxide layer 230 up to five times the thickness of oxide layer 230. After formation of the opening 300, a silicon layer 410 is formed in the opening 300 to produce a layer of silicon that has a width corresponding to the width of the opening 300 (column 3, lines 16-27). The silicon layer 410 may then be etched to produce two spacers 610 on either side of opening 300 (column 3, lines 27-36; FIG. 6). The remaining oxide layer 230 may then be removed to form two fins 710 and 720 from the two spacers 610 (column 3, lines 38-51).

As disclosed in BUYNOSKI, the silicon layer 410 formed in the opening 300 may range from approximately the same as the thickness of oxide layer 230 up to five times the thickness of oxide layer 230. This width of the silicon layer 410 is related to forming two different spacers in

silicon layer 410. Claim 23, by contrast, recites "defining a trench in a layer of first material, wherein a width of an opening of the trench is substantially smaller than a thickness of the layer." As already discussed, the opening 300 of BUYNOSKI is approximately one to five times the thickness of oxide layer 230 and, thus, is not "substantially smaller than a thickness of the layer" as recited in claim 23. Claim 23, therefore, patentably distinguishes over BUYNOSKI.

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of this application, and the timely allowance of the pending claims. To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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